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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1298 Session of  
2020

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INTRODUCED BY MENSCH, MASTRIANO, J. WARD, COSTA, BLAKE,  
BREWSTER, COLLETT, SANTARSIERO, SCHWANK AND TARTAGLIONE,  
SEPTEMBER 18, 2020

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REFERRED TO BANKING AND INSURANCE, SEPTEMBER 18, 2020

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AN ACT

1 Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An  
2 act relating to insurance; amending, revising, and  
3 consolidating the law providing for the incorporation of  
4 insurance companies, and the regulation, supervision, and  
5 protection of home and foreign insurance companies, Lloyds  
6 associations, reciprocal and inter-insurance exchanges, and  
7 fire insurance rating bureaus, and the regulation and  
8 supervision of insurance carried by such companies,  
9 associations, and exchanges, including insurance carried by  
10 the State Workmen's Insurance Fund; providing penalties; and  
11 repealing existing laws," in casualty insurance, providing  
12 for reimbursement for prosthetic devices.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. The act of May 17, 1921 (P.L.682, No.284), known  
16 as The Insurance Company Law of 1921, is amended by adding a  
17 section to read:

18 Section 635.8. Reimbursement for Prosthetic Devices.--(a)  
19 Except to the extent already covered under another policy, an  
20 individual or group health, sickness and accident insurance  
21 policy, group health insurance plans and policies, and all other  
22 forms of managed and capitated care plans and policies or

1 subscriber contracts or certificates issued by any entity  
2 subject to 40 Pa.C.S. Ch. 61 (relating to hospital plan  
3 corporations) or 63 (relating to professional health services  
4 plan corporations) or the act of December 29, 1972 (P.L.1701,  
5 No.364), known as the "Health Maintenance Organization Act," or  
6 this act providing hospital or medical and surgical coverage  
7 shall provide coverage of prosthetic devices and components if  
8 prescribed by a health care professional legally authorized to  
9 prescribe such items under law. The benefits specified in this  
10 section may be provided through a combination of policies,  
11 contracts, certificates or riders, including major medical  
12 contracts.

13 (b) (1) A health care insurer may require preauthorization  
14 to determine medical necessity and the eligibility of benefits  
15 for prosthetic devices and components.

16 (2) Coverage under this section shall also include the  
17 fitting, repair or replacement of a prosthetic device or  
18 component if the fitting, repair or replacement is determined to  
19 be medically necessary. A fitting, repair or replacement  
20 necessitated by the negligence of proper care and maintenance or  
21 by an abusive act committed by the individual having the  
22 prosthetic device shall not be covered.

23 (3) A health care insurer may require that prosthetic  
24 services be rendered by a provider that contracts with the  
25 carrier and that a prosthetic device or component be provided by  
26 a vendor designated by that insurer.

27 (4) Coverage shall not be required for a prosthetic device  
28 that is designed exclusively for athletic purposes.

29 (5) Coverage under this section shall remain subject to any  
30 copayment, coinsurance or deductible amounts imposed by an

1 entity subject to this section for similar coverages under the  
2 same health insurance policy or contract.

3 (6) The attending physician must certify the medical  
4 necessity for a prosthetic device and component as a proposed  
5 course of treatment.

6 (c) As used in this section:

7 (1) "Component" means the materials and equipment needed to  
8 ensure the comfort and functioning of a prosthetic device.

9 (2) "Limb" means an arm, hand, leg or foot or any portion of  
10 an arm, hand, leg or foot.

11 (3) "Prosthetic device" means an artificial device to  
12 replace a limb in whole or in part, including components.

13 Section 2. This act shall take effect in 60 days.